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Date _____
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Comm. Amdt. _____
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AMENDMENT NO. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 2926**

**House Bill No. 2598\***

by deleting the following from the amendatory language in SECTION 1:

(a) There shall not be a mandatory age requirement for any member of the Tennessee consolidated retirement system, except for the following:

(1) any member employed as a state police officer, wildlife officer, or a commissioned member of the alcoholic beverage commission; provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. Such members shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age; and

(2) any member employed as a firefighter or police officer with a political subdivision participating in the Tennessee consolidated retirement system which has adopted a mandatory retirement age requirement pursuant to this subdivision (a) (2); provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act.

and by substituting instead the following:

(a) There shall not be a mandatory age requirement for any member of the Tennessee consolidated retirement system, except for the following:

(1) members who are employed state police officers, wildlife officers or commissioned members of the alcoholic beverage commission and who are

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engaged in law enforcement activities on a day-to-day basis, or who have been transferred from such activities to a supervisory or administrative position; provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. Notwithstanding any provision of this section or any other law to the contrary, the provisions of this section shall not apply to the following commissioned members of the department of safety:

(A) commissioned members of the division of motor vehicle enforcement;

(B) commissioned members of the commercial vehicle enforcement division; and

(C) commissioned members of the division of protective services.

In cases of doubt, the Tennessee department of personnel shall determine whether the member is employed in a position requiring the mandatory retirement of such member under the provisions of this subsection (a)(1). In making any such determination, the department shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act. Any member employed in a position requiring mandatory retirement under the provisions of this subsection shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age; and

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(2) members who are employed as firefighters or police officers with a political subdivision participating in the Tennessee consolidated retirement system which has adopted a mandatory retirement age requirement pursuant to this subdivision (a)(2); provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the respective political subdivision shall determine whether the member is in employed in a position requiring the mandatory retirement of such member under the provisions of this subsection (a)(2). In making any such determination, the political subdivision shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act.

by deleting the following from the amendatory language in SECTION 2:

(a) Any Group 1 member who retires on a service or early service retirement allowance pursuant to § 8-36-201 or § 8-36-301 with creditable service as a Group 1 state police officer, Group 1 wildlife officer, or as a commissioned member of the alcoholic beverage commission shall receive, in addition to his or her service retirement allowance, a supplemental bridge benefit calculated as follows:

(1) For any such member retiring on a service retirement allowance pursuant to § 8-36-201, the supplemental bridge benefit shall be equal to three-

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fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was a Group 1 state police officer, Group 1 wildlife officer, or as a commissioned member of the alcoholic beverage commission; or

and by substituting instead the following:

(a) Any Group 1 member who retires on a service or early service retirement allowance pursuant to § 8-36-201 or § 8-36-301 with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(1) shall receive, in addition to his or her service retirement allowance, a supplemental bridge benefit calculated as follows:

(1) For any such member retiring on a service retirement allowance pursuant to § 8-36-201, the supplemental bridge benefit shall be equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(1); or

by deleting the following from the amendatory language in SECTION 2:

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(h) All costs associated with providing the supplemental bridge benefit shall be paid by the respective state agencies and political subdivisions for which the service covered by this section was rendered.

and by substituting instead the following:

(h) Notwithstanding any provision to the contrary, any member entitled to the supplemental bridge benefit provided pursuant to this section shall contribute 2.83% of such member's earnable compensation in addition to any contributions required by § 8-37-202. In the event the member's position is later determined to be exempt from the mandatory retirement provision of § 8-36-205, the member shall not be entitled to the supplemental benefit and shall be eligible to request a refund of the additional 2.83% contributions required under this subsection plus interest thereon. The contributions and interest shall be refunded to the member within ninety (90) days of the member's application for such refund.

(i) Should any such member die prior to the commencement of the supplemental benefit, the additional 2.83% contributions required under this subsection plus interest thereon shall be paid in a lump sum to the person or persons nominated by such member pursuant to § 8-36-121, if living, otherwise to such member's estate in accordance with § 8-36-120. Such payment shall be in addition to any benefit payable under §§ 8-36-108, 8-36-109 or part 6 of this

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chapter. If no benefit is payable under §§ 8-36-108, 8-36-109 or part 6 of this chapter and such member shall have been in service within one hundred twenty (120) days preceding such member's death, an additional amount equal to such contributions and interest shall be paid in accordance with § 8-36-107(a).

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